

MAKING IN ORDER AMENDMENTS EN BLOC DURING FURTHER CONSIDERATION OF H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. HOEKSTRA. Madam Speaker, I ask unanimous consent that during further consideration in the Committee of the Whole of H.R. 10 pursuant to House Resolution 827 that it be in order at any time for the chairman of the Permanent Select Committee on Intelligence or a designee to offer amendments en bloc consisting of any of the amendments numbered 9, 16, 18, 20, and 22 printed in the House Report 108-751; that amendments en bloc pursuant to this order may be considered as read, be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence or their designees, not be subject to amendment and not be subject to a demand for a division of the question in the House or in the Committee of the Whole; and that the original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

9/11 RECOMMENDATIONS IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 827 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 10.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, with Mr. KOLBE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the committee of the whole rose earlier today, amendment No. 7 printed in House Report 108-751 by the gentleman from West Virginia (Mrs. CAPITO) had been disposed of.

Pursuant to the order of the House of today, it shall be in order at any time for the chairman of the Permanent Select Committee on Intelligence or a designee to offer amendments en bloc consisting of any of the amendment numbers 9, 16, 18, 20, and 22 printed in House report 108-751.

The amendments en bloc shall be considered read, shall be debatable for

10 minutes, equally divided and controlled by the chairman and the ranking minority member of the Permanent Select Committee on Intelligence or their designees, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The original proponent of the amendment included in the amendments en bloc may insert a statement in the Congressional RECORD immediately before disposition of the amendments en bloc.

It is now in order to consider amendment No. 8 printed in House Report 108-751.

AMENDMENT NO. 8 OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. CARTER:

At the end of title II insert the following:

Subtitle J—Terrorist Penalties Enhancement Act of 2004

SEC. 2221. SHORT TITLE.

This subtitle may be cited as the “Terrorist Penalties Enhancement Act of 2004”.

SEC. 2222. PENALTIES FOR TERRORIST OFFENSES RESULTING IN DEATH; DENIAL OF FEDERAL BENEFITS TO TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“§ 2339E. Terrorist offenses resulting in death

“(a) Whoever, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

“(b) As used in this section, the term ‘terrorist offense’ means—

“(1) a Federal felony offense that is—

“(A) a Federal crime of terrorism as defined in section 2332b(g) except to the extent such crime is an offense under section 1363; or

“(B) an offense under this chapter, section 175, 175b, 229, or 831, or section 236 of the Atomic Energy Act of 1954; or

“(2) a Federal offense that is an attempt or conspiracy to commit an offense described in paragraph (1).

“§ 2339F. Denial of Federal benefits to terrorists

“(a) An individual or corporation who is convicted of a terrorist offense (as defined in section 2339E) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

“(b) As used in this section, the term ‘Federal benefit’ has the meaning given that term in section 421(d) of the Controlled Substances Act, and also includes any assistance or benefit described in section 115(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, with the same limitations and to the same extent as provided in section 115 of that Act with respect to denials of benefits and assistance to which that section applies.”.

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, is amended by adding at the end the following new items:

“2339E. Terrorist offenses resulting in death.

“2339F. Denial of federal benefits to terrorists.”.

(c) AGGRAVATING FACTOR IN DEATH PENALTY CASES.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting “section 2339E (terrorist offenses resulting in death),” after “destruction).”.

SEC. 2223. DEATH PENALTY IN CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994.

Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994, (Public Law 103-322), is amended, as of the time of its enactment, by adding at the end the following:

“(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), but after the enactment of the Antihijacking Act of 1974 (Public Law 93-366), it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term ‘especially heinous, cruel, or depraved’, as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language ‘in that it involved torture or serious physical abuse to the victim’, and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.”

Conform the table of sections accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I offer an amendment, the Terrorist Penalties Enhancements Act, which will provide new and expanded penalties to those who commit fatal acts of terrorism.

Since September 11, Federal and State officials continue to work hard to prevent further terrorist attacks on U.S. soil. However, despite some changes to the law to increase penalties after deadly terrorist attacks, a jury is still denied the ability to consider a death sentence or life imprisonment for a terrorist in many cases, even when the attacks result in death and the court believes it is necessary to prevent further harm to our citizens.

For example, in the case in which a terrorist causes massive loss of life by sabotaging a nuclear power plant or a national defense installation, there would be no possibility of imposing the death penalty under the statutes defining these offenses because they contain